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March 7, 2006

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Christina Wise
Stark County Auditor's Office
110 Central Plaza, South, Suite 220
Canton, Ohio 44702-1410

Re: Conveyance Endorsement
Our File No. M101.00278

Dear Ms. Wise:

I have before me your e-mail inquiry in which you have asked our opinion concerning the method by which the auditor indorses real estate transfers. The Ohio Revised Code prescribes certain duties upon the county auditor with respect to the transfer of real estate between parties to such a transaction. One of them is found in R.C. § 319.202(D) which requires the county auditor to "indorse each conveyance on its face to indicate the amount of the conveyance fee and compliance with this section. . . ." You have asked whether the required indorsement may be supplied by mechanical means as opposed to a written signature or written initials.

The question arises now because methods of work are available to the auditor which will enable a faster flow if, among other things, the indorsement can be applied mechanically. A thorough search of the Revised Code reveals no guidance on this issue. The tax commissioner is empowered by another provision of R.C. 319.202 to adopt rules for the uniform administration and collection of the transfer fee. We are unable to find any such rules which implicate the method of indorsement of conveyances used by the auditor.

The mandate of a duty in the Revised Code for a public official which does not specify the method in which that duty is to be fulfilled generally carries with it a presumption that the task will be performed in a reasonable manner. As long as the auditor complies with his duty to indorse each conveyance and indicate compliance with R.C. § 319.202, (which we take to mean that someone will examine the conveyance instrument for such compliance) we believe that a mechanical means would not be an unreasonable method to supply the required indorsement.

Very truly yours,

David M. Bridenstine
Assistant Prosecuting Attorney

DMB:dmb